

of a child described in clause (i) or subparagraph (E)(i); (II) has been adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child is under the age of eighteen at the time a petition is filed in his or her behalf to accord a classification as an immediate relative under section 201(b)."

(b) CONFORMING AMENDMENTS RELATING TO NATURALIZATION.—

(1) DEFINITION OF CHILD.—Section 101(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by striking "sixteen years," and inserting "sixteen years (except to the extent that the child is described in subparagraph (E)(ii) or (F)(ii) of subsection (b)(1))."

(2) CERTIFICATE OF CITIZENSHIP.—Section 322(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1433(a)(4)) is amended—

(A) by striking "16 years" and inserting "16 years (except to the extent that the child is described in clause (ii) of subparagraph (E) or (F) of section 101(b)(1))"; and

(B) by striking "subparagraph (E) or (F) of section 101(b)(1)." and inserting "either of such subparagraphs."

#### RECOGNIZING AND COMMENDING THE PERSONNEL OF EGLIN AIR FORCE BASE, FLORIDA

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from consideration of and the Senate proceed to the immediate consideration of S. Res. 185, commending the personnel of Eglin Air Force Base.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 185) recognizing and commending the personnel of Eglin Air Force Base, Florida, for their participation and efforts in support of the North Atlantic Treaty Organization's (NATO) Operation Allied Force in the Balkan Region.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 185) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 185

Whereas the personnel of the Air Armament Center at Eglin Air Force Base, Florida, developed and provided many of the munitions, technical orders, expertise, and support equipment utilized by NATO during the Operation Allied Force air campaign;

Whereas the 2,000-pound Joint Direct Attack Munition (JDAM) developed at the Air Armament Center was the very first weapon dropped in Operation Allied Force;

Whereas the Air to Ground 130 (AGM 130) standoff missile, developed at the Air Arma-

ment Center, enabled the F-15E Strike Eagle aircrews to standoff approximately 40 nautical miles from targets and attack with very high precision; and

Whereas the reliable performance of the JDAM and AGM 130 enabled the combat air crews to complete bombing missions accurately, effectively, and with reduced risk to crews, resulting in no casualties among NATO air personnel, thereby making these munitions the ordinance favored most by combat air crews: Now, therefore, be it

Resolved, That the Senate—

(1) commends the men and women of Eglin Air Force Base, Florida, for their contributions to the unqualified success of Operation Allied Force;

(2) recognizes that the efforts of the men and women of the Air Armament Center, Eglin Air Force Base, Florida, helped NATO conduct the air war with devastating effect on our adversaries, entirely without American casualties in the air combat operations;

(3) expresses deep gratitude for the sacrifices made by those men and women and their families in their support of American efforts in Operation Allied Force; and

(4) commits to maintaining the technological superiority of American air armament as a critical component of our Nation's capability to conduct and prevail in warfare while minimizing casualties.

#### COLLEGE SCHOLARSHIP FRAUD PREVENTION ACT OF 1999

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 357, bill S. 1455.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1455) to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "College Scholarship Fraud Prevention Act of 1999".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) A substantial amount of fraud occurs in the offering of college education financial assistance services to consumers.

(2) Such fraud includes the following:

(A) Misrepresentations regarding the provision of sources from which consumers may obtain financial assistance (including scholarships, grants, loans, tuition, awards, and other assistance) for purposes of financing a college education.

(B) Misrepresentations regarding the provision of portfolios of such assistance tailored to the needs of specific consumers.

(C) Misrepresentations regarding the pre-selection of students as eligible to receive such assistance.

(D) Misrepresentations that such assistance will be provided to consumers who purchase specified services from specified entities.

(E) Misrepresentations regarding the business relationships between particular entities and entities that award or may award such assistance.

(F) Misrepresentations regarding refunds of processing fees if consumers are not provided specified amounts of such assistance, and other misrepresentations regarding refunds.

(3) In 1996, the Federal Trade Commission launched "Project Scholarcam", a joint law enforcement and consumer education campaign directed at fraudulent purveyors of so-called "scholarship services".

(4) Despite the efforts of the Federal Trade Commission, colleges and universities, and non-governmental organizations, the continued lack of awareness about scholarship fraud permits a significant amount of fraudulent activity to occur.

#### SEC. 3. SENTENCING ENHANCEMENT FOR HIGHER EDUCATION FINANCIAL ASSISTANCE FRAUD.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in order to provide for enhanced penalties for any offense involving fraud or misrepresentation in connection with the obtaining or providing of, or the furnishing of information to a consumer on, any scholarship, grant, loan, tuition, discount, award, or other financial assistance for purposes of financing an education at an institution of higher education, such that those penalties are comparable to the base offense level for misrepresentation that the defendant was acting on behalf of a charitable, educational, religious, or political organization, or a government agency.

#### SEC. 4. EXCLUSION OF DEBTS RELATING TO COLLEGE FINANCIAL ASSISTANCE SERVICES FRAUD FROM PERMISSIBLE EXEMPTIONS OF PROPERTY FROM ESTATES IN BANKRUPTCY.

Section 522(c) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; or"; and

(3) by adding at the end the following:

"(4) a debt in connection with fraud in the obtaining or providing of any scholarship, grant, loan, tuition, discount, award, or other financial assistance for purposes of financing an education at an institution of higher education (as that term is defined in section 101 of the Higher Education Act of 1954 (20 U.S.C. 1001))."

#### SEC. 5. SCHOLARSHIP FRAUD ASSESSMENT AND AWARENESS ACTIVITIES.

(a) ANNUAL REPORT ON SCHOLARSHIP FRAUD.—

(1) REQUIREMENT.—The Attorney General and the Secretary of Education, in conjunction with the Federal Trade Commission, shall jointly submit to Congress each year a report on fraud in the offering of financial assistance for purposes of financing an education at an institution of higher education. Each report shall contain an assessment of the nature and quantity of incidents of such fraud during the one-year period ending on the date of such report.

(2) INITIAL REPORT.—The first report under paragraph (1) shall be submitted not later than 18 months after the date of the enactment of this Act.

(b) NATIONAL AWARENESS ACTIVITIES.—The Secretary of Education shall, in conjunction with the Federal Trade Commission, maintain a scholarship fraud awareness site on the Internet web site of the Department of Education. The scholarship fraud awareness site may include the following:

(1) Appropriate materials from the Project Scholarcam awareness campaign of the Commission, including examples of common fraudulent schemes.

(2) A list of companies and individuals who have been convicted of scholarship fraud in Federal or State court.

(3) An Internet-based message board to provide a forum for public complaints and experiences with scholarship fraud.

(4) An electronic comment form for individuals who have experienced scholarship fraud or have questions about scholarship fraud, with appropriate mechanisms for the transfer of comments

received through such forms to the Department and the Commission.

(5) Internet links to other sources of information on scholarship fraud, including Internet web sites of appropriate nongovernmental organizations, colleges and universities, and government agencies.

(6) An Internet link to the Better Business Bureau in order to assist individuals in assessing the business practices of other persons and entities.

(7) Information on means of communicating with the Federal Student Aid Information Center, including telephone and Internet contact information.

Mr. LEAHY. Mr. President, one of the singular most important issues facing us today is education. Affordable higher education is an opportunity that must be made available to all of our young people. To that end, public and private scholarships, grants and loans have long assisted our nation's students in pursuing college degrees.

Phony scholarship offerings, scams and frauds do great harm to our nation's students. No student seeking to attend a college or university should have to worry about whether a scholarship offering is legitimate or wonder whether the business to which he or she has mailed an application fee actually exists. I am glad to join in the effort of Senators ABRAHAM and FEINGOLD to add to the arsenal of our current laws to combat these types of frauds.

I commented at a Judiciary Committee hearing on this bill earlier this month that the goals of this legislation are laudable. We need to do more to combat scholarship scams and promote the dissemination of information about legitimate sources of higher education funding. Nevertheless, I raised questions about whether the original bill reflected the most effective way to pursue the goals we all share. I am pleased to join as a cosponsor of the substitute amendment that addresses the concerns I raised.

For instance, the original bill proposed raising the long-standing statutory maximum punishment of five years for mail and wire fraud to ten years in cases of scholarship scams. In light of the fact that scholarship scams often involve more than one victim and may result in multiple charges, raising the statutory penalties may not be necessary to effectuate punishment goals. I suggested that a more appropriate and effective solution to ensure adequate punishment may be to direct the Sentencing Commission to consider a guideline enhancement for cases involving fraudulent scholarship offerings. The substitute amendment makes this change and directs the Sentencing Commission to amend the sentencing guidelines to provide enhanced penalties for any offenses involving scholarship scams such that those penalties are comparable to the base offense level for misrepresentation that the defendant was acting on behalf of a charitable, educational, religious, or political organization, or a government agency. In effect, this amendment di-

rects the Sentencing Commission to increase the guideline offense levels by 2 levels.

The substitute amendment is an improvement since it avoids complicating the wire and mail fraud statutes with different penalties depending on the nature of the underlying fraud.

The substitute amendment directs the Attorney General and the Secretary of Education, in consultation with the Federal Trade Commission to report to Congress on the nature and quantity of incidents of scholarship scams. This report will assist the Judiciary Committee in monitoring whether additional legislative steps are needed in this area.

The substitute amendment makes important improvements in the original bill, and I urge the Congress to pass this legislation promptly.

Mr. GRASSLEY. I ask unanimous consent the committee amendment be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1455) as amended, was read the third time and passed, as follows:

S. 1455

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "College Scholarship Fraud Prevention Act of 1999".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) A substantial amount of fraud occurs in the offering of college education financial assistance services to consumers.

(2) Such fraud includes the following:

(A) Misrepresentations regarding the provision of sources from which consumers may obtain financial assistance (including scholarships, grants, loans, tuition, awards, and other assistance) for purposes of financing a college education.

(B) Misrepresentations regarding the provision of portfolios of such assistance tailored to the needs of specific consumers.

(C) Misrepresentations regarding the preselection of students as eligible to receive such assistance.

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(F) Misrepresentations regarding refunds of processing fees if consumers are not provided specified amounts of such assistance, and other misrepresentations regarding refunds.

(3) In 1996, the Federal Trade Commission launched "Project Scholarscam", a joint law enforcement and consumer education campaign directed at fraudulent purveyors of so-called "scholarship services".

(4) Despite the efforts of the Federal Trade Commission, colleges and universities, and nongovernmental organizations, the contin-

ued lack of awareness about scholarship fraud permits a significant amount of fraudulent activity to occur.

#### SEC. 3. SENTENCING ENHANCEMENT FOR HIGHER EDUCATION FINANCIAL ASSISTANCE FRAUD.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in order to provide for enhanced penalties for any offense involving fraud or misrepresentation in connection with the obtaining or providing of, or the furnishing of information to a consumer on, any scholarship, grant, loan, tuition, discount, award, or other financial assistance for purposes of financing an education at an institution of higher education, such that those penalties are comparable to the base offense level for misrepresentation that the defendant was acting on behalf of a charitable, educational, religious, or political organization, or a government agency.

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(3) An Internet-based message board to provide a forum for public complaints and experiences with scholarship fraud.

(4) An electronic comment form for individuals who have experienced scholarship fraud or have questions about scholarship fraud, with appropriate mechanisms for the transfer of comments received through such forms to the Department and the Commission.

(5) Internet links to other sources of information on scholarship fraud, including Internet web sites of appropriate nongovernmental organizations, colleges and universities, and government agencies.

(6) An Internet link to the Better Business Bureau in order to assist individuals in assessing the business practices of other persons and entities.

(7) Information on means of communicating with the Federal Student Aid Information Center, including telephone and Internet contact information.

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TO PERMIT ENROLLMENT IN  
HOUSE OF REPRESENTATIVES  
CHILD CARE CENTER OF CHILDREN  
OF FEDERAL EMPLOYEES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H.R. 3122, and that the Senate then proceed to the immediate consideration of H.R. 3122.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3122) to permit the enrollment in the House of Representatives Child Care Center of children of Federal employees who are not employees of the legislative branch.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be read three times, passed, and the motion to recon-

sider be laid upon the table with no intervening action, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3122) was read the third time and passed.

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ORDERS FOR FRIDAY, NOVEMBER  
5, 1999

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Friday, November 5. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 625, the bankruptcy reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

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PROGRAM

Mr. GRASSLEY. For the information of all Senators, at 9:30 a.m. on Friday, the Senate will immediately resume debate on the bankruptcy reform legislation. As under the agreement, first-degree amendments to the bill must be

relevant and filed by 5 p.m. tomorrow. Senators who have amendments are encouraged to work with the bill managers on a time to come to the floor to offer and debate those amendments. The leader has announced that votes could occur tomorrow on amendments or any appropriations bills that become available.

The leader also announces that votes will occur on Monday at 5:30 p.m. and on Tuesday morning at 10:30. The votes on Tuesday will be on the minimum wage issue and the business cost amendment.

As a reminder, the Senate passed the continuing resolution to continue Government funding until November 10. It is hoped that all Senators will give their full cooperation as the final days of the first session of the 106th Congress come to a close.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:15 p.m., adjourned until Friday, November 5, 1999, at 9:30 a.m.